

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RODNEY HANDY, JR.,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
Plaintiff,	:	
vs.	:	
	:	CIVIL ACTION
LEELONI PALMIERO, individually,	:	
SGT. BALDOMERO, individually,	:	
DETECTIVE ROBERT HAGY, individually,	:	
DETECTIVE HORGER, individually,	:	
DETECTIVE SULLIVAN, individually,	:	
DOES 1-10, in their individual capacities,	:	
RICHARD ROSS, in his official capacity,	:	
CITY OF PHILADELPHIA POLICE	:	
DEPARTMENT, and, THE CITY and	:	
COUNTY OF PHILADELPHIA,	:	
	:	
Defendants.	:	NO: 17-3107

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**PLAINTIFF'S PRETRIAL MEMORANDUM**

**Facts**

On May 23, 2015, in the late evening, Plaintiff, Rodney Handy, Jr. attended the Hookah lounge, known as Pasa La Hookah Lounge. Plaintiff exited uneventfully the lounge and started to walk to his car. While Plaintiff was sitting in his car, he became a victim of a shooting for no apparent reason. Plaintiff was shot severely in his left foot. Shortly thereafter, the police arrived, and accused the Plaintiff of being a perpetrator and involved in a crime with no facts or evidence. Although the Plaintiff was in extreme pain, and required immediate surgery and medical attention, the offending police officers accused the Plaintiff of either shooting himself and/or being involved in a crime.

Plaintiff was taken on an emergency basis to Aria Hospital where he was further questioned by police as if he was a suspect in a crime. Plaintiff had just completed surgery and

was heavily medicated. The offending police officers proceeded to interrogate him as if he was a criminal and procured a warrant under false pretenses without any facts and/or bases to believe Plaintiff, Rodney Handy, Jr. was involved in any crime whatsoever. Specifically, the offending officers had not one fact of any wrongdoing or evidence to indicate that the Plaintiff could have been involved in any crime.

The following day, the offending officers and others, perhaps as many as five or six police officers and a number of cars raided Plaintiff's house with a false warrant and conducted an extensive investigation finding absolutely no evidence of any criminal involvement in the incident referred to above. The Plaintiff was hospitalized at the time; however, his elderly mother, Darlene Handy and his sister, Deanne Handy, as well as various neighbors, including Sherman Washington and Eric Hill were either present or in the proximity of the area at the time of the incident.

Plaintiff suffered severe humiliation, embarrassment and mental anguish as a result of this incident. In addition, various articles and writings appeared in the *Philadelphia Daily News* and on the internet which further added to Plaintiff's humiliation, embarrassment and emotional distress.

### **Liability**

Plaintiff will prove that because the search warrant was procured with no factual basis and further was predicated on misleading information that the Defendants conducted an illegal search and seizure and is liable under civil rights laws. Plaintiff will further prove that despite a procurement of the warrant that the offending officers failed to provide any reasonable basis and in fact, by doing so actively misrepresented the results of their investigation and therefore, acted without any reasonable cause.

### **Damages**

Plaintiff will prove that he was embarrassed, humiliated and suffered extreme emotional distress as a result of the incident. Further, that the publications of information that was false and misleading exacerbated this horrific situation and caused Plaintiff severe emotional and mental distress from the incident.

### **Witnesses**

1. Plaintiff, Rodney Handy, Jr.
2. Plaintiff's mother, Darlene Handy - 6351 E. Fairston Drive, Philadelphia, PA 19120
3. Plaintiff's sister, Darlene Handy – 6351 E. Fairston Drive, Philadelphia, PA 19120
4. Eric Hill (neighbor) – 6357 Fairston Drive, Philadelphia, PA
5. Sherman Washington - 227 E. Fairston Drive, Philadelphia, PA
6. Joshua Anderson (address to be determined)
1. Defendant, Sergeant Baldomero
2. Defendant, Sergeant Palmiero

### **Outstanding Issues**

1. Defendants have failed a motion for summary judgment that has not yet been resolved.
2. Plaintiff has filed a Motion to Strike Defendants' Answer which has not yet been resolved.

### **Offers**

Plaintiff's last demand to resolve the matter was \$25,000 before further action.

The Defendants have offered \$5,000 to settle the matter.

Plaintiff requested a settlement conference, and Defendants indicated they would not offer any further funds for resolution of the matter.

**Trial Length**

3-4 days.

Respectfully submitted,

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Attorney for Plaintiff, Rodney Handy, Jr.

Dated: August , 2019